

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 10-53676

MICHAEL DeSEAN SCOTT, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**AMENDED ORDER¹ REQUIRING BANKRUPTCY PETITION PREPARER
KIMON HUTCHINSON TO REFUND \$300.00 TO DEBTOR**

On April 26, 2010, Debtor filed a voluntary petition for relief under Chapter 7, initiating this case. Kimon Hutchinson signed the petition as a non-attorney bankruptcy petition preparer. Also on April 26, 2010, Kimon Hutchinson filed a “Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer” (Docket # 8), which states that Kimon Hutchinson prepared Debtor’s bankruptcy petition and certain other documents filed in this case, and Debtor filed a “Declaration Under Penalty of Perjury for Debtor(s) Without an Attorney” (Docket # 7), which states that Debtor paid Kimon Hutchinson \$400.00 for help in preparing the documents for his bankruptcy filing.

This Court’s Administrative Order No. 10-21 (“Order Regarding Maximum Allowable Fee Chargeable by a Bankruptcy Petition Preparer,”) dated April 20, 2010,² provides that “[t]he presumptive maximum allowable fee chargeable by a bankruptcy petition preparer in any case is \$100.00.” (Admin. Or. 10-21 at ¶ 1.) This Administrative Order requires any bankruptcy petition

¹ This Order supercedes the order filed on May 11, 2010 (Docket # 15). It is necessary to enter this Order, with its revised deadlines, because it appears that Kimon Hutchinson was not served with the May 11, 2010 order.

² Administrative Order No. 10-21 may be found on the Court’s website at http://www.mieb.uscourts.gov/notices/order_re_max_fee.pdf.

preparer who seeks approval of fees in an amount greater than \$100.00 to file a motion seeking allowance of those fees, with an affidavit stating the facts which support fees greater than \$100.00. "The affidavit must also include a statement that the debtor has reviewed the motion and affidavit. The motion and affidavit must be filed within 14 days after the date of the filing the petition, and served on the debtor(s), case trustee, and the U.S. Trustee." (*Id.* at ¶ 3.)

Administrative Order No. 10-21 provides further:

Any bankruptcy petition preparer who charges a fee in excess of the value of services rendered shall be subject to sanctions under Section 110 of the Bankruptcy Code, including, but not limited to, the disallowance and turnover of any fee found to be in excess of the fee allowed by this order or by an order of the Court.

(*Id.* at ¶ 4.)

Bankruptcy Petition Preparer Kimon Hutchinson failed to file a motion to allow a fee greater than the \$100.00 presumptive maximum allowable fee. Such motion was due to be filed no later than May 10, 2010.

Accordingly,

IT IS ORDERED that:

1. Bankruptcy Petition Preparer KIMON HUTCHINSON must refund \$300.00 in fees to the Debtor, **no later than June 3, 2010.**
2. Bankruptcy Petition Preparer KIMON HUTCHINSON must file with the Court an affidavit showing compliance with this Order, **no later than June 3, 2010.**

Signed on May 22, 2010

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge